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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,468	12/29/2000	John R. Stefanik	00337	7168

7590

04/11/2003

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EXAMINER

PREVIL, DANIEL

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 04/11/2003

20

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,468

Applicant(s)

STEFANIK, JOHN R.

Examiner

Daniel Previl

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to communication filed on March 26, 2003.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the extending projection must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darbee et al. (US 6,002,450) in view of Park (US 5,705,997).

Regarding claim 1, Darbee teaches a housing 10 (fig. 1); a processor located in the housing (microcontroller 28 located in the housing 10) (fig. 2, ref. 28) ; at least one input device in communication with the processor (keyboard 38 connected to the microprocessor 28) (fig. 2, ref. 28, 38; col. 5, lines 7-8); wherein the motion detector communicates to the processor upon detection of motion of the device (a motion detector determines if the user picked up the remote control) (fig. 2; col. 3, lines 33-38; col. 8, lines 9-11).

Darbee teaches every feature of the claimed invention but fails to explicitly disclose a light source attached to an extending projection, wherein the extending projection is attached to a top side of the housing wherein the light source is in communication with the processor wherein the light source is one of an incandescent light and a light emitting diode; wherein the processor effects the light source to be lit upon receipt of the signal and wherein the light source shines down upon the input device when the light source is lit.

However, Park teaches a light source 62 attached to an extending projection (extending projection is inherently included in the lamp 62) wherein the extending projection is attached to a top side of the housing 100 (fig. 2), wherein the light source 62 is in communication with the processor (control section 40) (col. 4, lines 40-45), wherein the light source 62 is one of an incandescent light and a light emitting diode (col. 4, lines 43-46); wherein the processor effects the light source to be lit upon receipt of the signal (when any function key 72 is

pressed, control section 40 lights lamps 62 for indicating the position of the remote control device 100) (col. 4, lines 13-48); and wherein the light source shines down upon the input device when the light source is lit (key illuminating section 70 has small lamps installed under function keys 72 to be illuminated) (col. 5, lines 3-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Park in Darbee. Doing so would provide efficiently a self-illumination device when any function key is touched by which the remote control can be easily found and operated even in the dark. So, users can distinguish function keys to easily control the system, which is inexpensive and fully convenient.

Regarding claim 2, Darbee teaches an input device which is a keyboard (col. 5, lines 7-8).

Regarding claim 3, Darbee teaches the motion detector is selected from the group consisting of a gravity-based switch, a mercury switch, and an electronic component based switch (vibrating mechanism for producing tactile sensations from the remote control) (col. 8, lines 48-52).

Regarding claim 4, Darbee discloses a storage area (EEPROM 36) in communication with the microcontroller 28 (fig. 2).

Regarding claim 12, the above combination discloses all the limitations in claim 1 and Park further discloses the step of disabling the lighting of the light

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source (turning off plurality of indicating lamps) (col. 10, lines 7-10). Same motivation as claim 1.

Response to Arguments

4. Applicant's arguments with respect to claims 1-4, 12, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Darbee et al. (US 6,278,499) discloses a two-way remote control with advertising display.

Feinleib et al. (US 6,346,891) discloses a remote control system with handling sensor in remote control device.

Darbee et al. (US 6,130,726) discloses a program guide on a remote control display.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Previl whose telephone number is 305-1028.

The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel WU can be reached on 703 308 6730. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9315 for regular communications and 703 872-9314 for After Final communications.

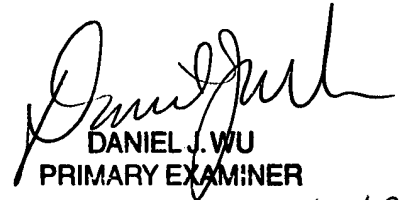
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.

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Daniel Previl
Examiner
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DP
March 31, 2003


DANIEL J. WU
PRIMARY EXAMINER
4/07/03